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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on **March 20, 2003**

NOTICE OF ACTION TAKEN – DOCKET OST-01-9074 – 4

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **AMERICAN TRANS AIR, INC.**, filed **3/3/03** for:

XX Waiver of advance filing requirement under Part 377

XX Renewal of exemption for two years under 49 U.S.C. 40109 to provide the following services:

Scheduled foreign air transportation of persons, property, and mail between (1) the terminal point Chicago (Midway), Illinois, and the terminal point Cancun, Mexico; and (2) the terminal point Chicago (Midway), Illinois, and the terminal point Puerto Vallarta, Mexico. The carrier requests that the Department issue the renewal in its new name, ATA Airlines, Inc.¹ The carrier also requests a waiver of the 60-day advance filing requirement under Part 377 of the Department's regulations in order to invoke its rights to provide continuous service during the pendency of this application.²

Applicant rep: **Brian T. Hunt (317) 240-7006** DOT Analyst: **Linda L. Lundell (202) 366-2336**

DISPOSITION

XX **Granted Waiver Request (Part 377)**

XX **Granted Exemption Renewal, subject to conditions (see below)**

The above action was effective when taken: **March 20, 2003,** through **March 20, 2005.**

Action taken by: Paul L. Gretch, Director
Office of International Aviation

XX **The authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX** **Holder's certificates of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

Conditions: The U.S.-Mexico exemption authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.

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¹ By Order 2003-3-6, the Department granted American Trans Air's request to change its name to ATA Airlines, Inc., d/b/a ATA and also authorized use of the trade name "American Trans Air."

² Absent renewal of the exemption or grant of the waiver request, American Trans Air's authority for the subject markets was set to expire on March 22, 2003.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the exemption was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp

APPENDIX

U.S. CARRIER **Standard Exemption Conditions**

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations and with all applicable U.S. Government requirements concerning security;³ and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.

10/2002

³ To assure compliance with all applicable U.S. Government requirements concerning security, the holder should, before commencing any new service (including charter flights) to or from a foreign airport, inform its Principal Security Inspector of its plans.